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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,847	01/15/2004	Yu Zheng	PAT-1192CIP3DIVCON	8765

7590 03/17/2006
Law Offices of Raymond Sun
12420 Woodhall Way
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EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3635

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/759,847	Applicant(s) ZHENG, YU	
	Examiner Chi Q Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-30 and 33-36 is/are rejected.
- 7) ☒ Claim(s) 31, 32 and 37-39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office action is in response to the applicant's amendment filed on 6/30/2005.

Terminal Disclaimer

The terminal disclaimer filed on 6/24/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of the patent number 6,684,894 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 24-30, and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Brady (US 5,137,044).

In regard claim 24, Brady teaches collapsible tent structure comprising a first loop member 42a having an expanded position and a collapsed position, the first loop member having an upper side; a second loop member 42b having an expanded position and a collapsed position; wherein the first second loop member overlap each other at first and second overlapping points 44 that are spaced apart along the first and second loop members; and a third loop member 47 coupled to the upper side of the first loop member (see fig. 20).

In regard claim 25, Brady teaches the claimed invention as stated; wherein each of the first and second overlapping points 44 defines a hinge portion 46 about which the first and second loop members are pivotable (see figure 5).

In regard claim 26, Brady teaches the claimed invention as stated; wherein the first and second loop members are foldable on top of each other about the hinge portion to have the first and second loop members overlaying each other, and wherein the overlaying first and second loop members are collapsible to the collapsed positions by twisting and folding to form a plurality of concentric rings to substantially reduce the size of the structure in the collapsed position (see figs. 14 and 16).

In regard claim 27, Brady teaches the claimed invention as stated; wherein the hinge portion is positioned generally horizontally with respect to a support surface (see figure 5 or 20).

In regard claim 28, Brady teaches the claimed invention as stated; further including a first fabric 22 that covers a portion of the first loop member; a second fabric 22 that covers a portion of the second loop member; and wherein the first fabric crosses the second fabric (figure 21).

In regard claim 29, Brady teaches the claimed invention as stated; wherein the first loop member and the first fabric define a first panel, and the second loop member and the second fabric define a second panel (see fig. 21).

In regard claim 30, Brady teaches the claimed invention as stated; wherein the second panel is positioned at an angle with respect to the first panel (see fig. 21).

In regard claim 33, Brady teaches the claimed invention as stated; wherein the first panel lies completely in the same first plane.

In regard claim 34, Brady teaches the claimed invention as stated; wherein the second panel lies completely in the same second plane.

In regard claim 35, Brady teaches the claimed invention as stated; wherein the first and second planes intersect each other (see fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brady (US 5,137,044).

In regard claim 36, Brady teaches the structural elements for the claimed invention as stated except for the first and second planes are perpendicular to each other. At the time of the invention, it would have been obvious to one having an ordinary skill in the art to arrange a first panel to be perpendicular to a second panel that would have been an obvious matter of rearrangement of the panels when the panels utilized for making rectangular shaped tent, etc.

Allowable Subject Matter

Claims 31, 32, and 37-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 24-39 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

CQN

3/13/06


Carl D. Friedman
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